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Attorneys for Defendants
MICHAEL P. McGRATH and ALL RISKS, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRUMP INSURANCE SERVICES, INC.,

Plaintiff,

vs.

MICHAEL P. McGRATH, an individual,
ALL RISKS, LTD., a corporation, and
Does 1 through 50, inclusive,

Defendants.

Case No. C-07-4636 MMC

**APPLICATION FOR PARTY TO ATTEND
SETTLEMENT CONFERENCE BY
TELEPHONE**

Date: September 22, 2008
Time: 9:30 a.m.
Courtroom: A
Judge: Magistrate Joseph C. Spero
Trial Date: December 1, 2008

Defendants All Risks, Ltd. and Michael P. McGrath respectfully request that a company representative of Defendant All Risks, Ltd. be allowed to be available by telephone for the Settlement Conference scheduled for Monday, September 22, 2008 at 9:30 a.m. Defendant All Risks, Ltd.'s President, Matt Nichols, lives in Maryland and will not be able to travel on that Sunday due to medical issues with his wife and the care of his six year old twins. It would be a hardship on Mr. Nichols to travel on September 21, 2008. Defendants have attempted to find a mutually agreeable date to continue the Settlement Conference date, but have been unsuccessful. Defendant Michael McGrath will be in attendance at the Settlement Conference and will have complete authority to resolve this matter on behalf of both Defendants.

On August 22, 2008, United States District Judge Maxine Chesney ordered the parties to a Settlement Conference before Magistrate Judge Joseph C. Spero in this matter. On August 25, 2008, Magistrate Judge Spero issued a Notice of Settlement Conference and Settlement Conference Order setting the Settlement Conference for September 22, 2008. The parties had not consulted with the Court regarding the date. Given that All Risks, Ltd.'s representative, Matt Nichols, President, was not available on that Monday, Defendants' counsel, John F. Baum of Curiale Dellaverson Hirschfeld & Kraemer, LLP attempted to find an alternative date for the Settlement Conference. Mr. Baum called Magistrate Spero's Chambers to ask whether September 23rd was available, which was confirmed. Mr. Baum then contacted Mark Askanas of Jackson Lewis, counsel for Plaintiff Crump Insurance Services, Inc. Mr. Askanas stated that September 23rd was not available for his client. In multiple exchanged voice mails and conversations over the next week, Mr. Askanas stated that either he or his client were not available the remainder of the week of September 22-26 and the week of September 29 through October 3. Judge Chesney indicated that she wanted this matter set for a Settlement Conference by mid-September. Consequently, Defendants have not attempted to move the date further into October.

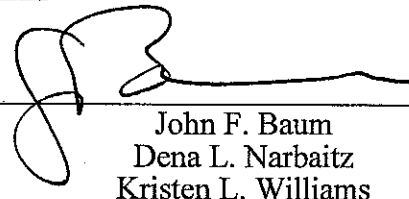
Consequently, Defendants respectfully request that All Risks, Ltd.'s President, Matt Nichols, be available by telephone on September 22, 2008 to consult with individual Defendant Michael P. McGrath. Mr. McGrath will have complete authority to resolve this matter at the Settlement Conference.

Thank you for your consideration of this matter.

Dated: September 4, 2008

CURIALE DELLAVERSON HIRSCHFELD &
KRAEMER, LLP

By: _____



John F. Baum
Dena L. Narbaitz
Kristen L. Williams

Attorneys for Defendants MICHAEL P. McGRATH and
ALL RISKS, LTD.

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is CURIALE DELLAVERSON HIRSCHFELD & KRAEMER, LLP, 727 Sansome Street, San Francisco, CA 94111. On September 4, 2008 I served the following document(s) by the method indicated below:

APPLICATION FOR PARTY TO ATTEND SETTLEMENT CONFERENCE BY TELEPHONE

XX by transmitting **via facsimile** on this date from fax number (415) 834-0443 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal. R.Ct 2003(3).

by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, in the **United States mail** at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

by placing the document(s) listed above in a sealed envelope(s) and by causing **personal delivery** of the envelope(s) to the person(s) at the address(es) set forth below. I am readily familiar with the business practice of my place of employment with respect to the collection and processing of correspondence, pleadings and notices for hand delivery. On September 4, 2008, I caused to be served via messenger the above-listed documents.

by **personally delivering** the document(s) listed above to the person(s) at the address(es) set forth below.

By placing the document(s) listed above in a sealed envelope(s) and consigning it to an **express mail service** for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below.

Attorney for Plaintiff, Crump Insurance Services, Inc.:

Mark Askanas, Esq.
Jackson Lewis
199 Fremont Street, 10th Floor
San Francisco, CA 94105
Telephone: (415) 536-6327
Facsimile: (415) 394-9401

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 4, 2008 at San Francisco, California.


Cheri McCaffrey